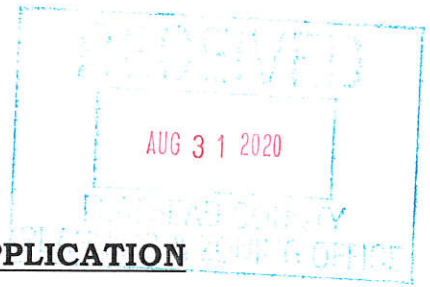




# Flathead County Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



## **MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION**

*Submit this application, all required information, and appropriate fee (see current fee schedule)  
to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 1835.00+ 75.00

**SUBDIVISION NAME:** Wild Bill Reserve

### **OWNER(S) OF RECORD:**

Name: Paul D. Wachholz Phone: (406) 253-5432

Mailing Address: P.O. Box 1477

City, State, Zip: Kalispell, MT 59901

Email: pwachholz@purewest.com

### **APPLICANT (IF DIFFERENT THAN ABOVE):**

Name: Same Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: Sands Surveying, Inc , Attn: Eric Mulcahy Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: eric@sandssurveying.com

### **LEGAL DESCRIPTION OF PROPERTY:**

Street Address Wild Bill Road, Kila

City/State & Zip Kila, MT

Assessor's Tract No.(s) 3 & 2B Lot No.(s) \_\_\_\_\_

Section 33 Township 27N Range 22W

### **GENERAL DESCRIPTION/TYPE OF SUBDIVISION:** \_\_\_\_\_

The Owner/Applicant proposes a six lot rural residential subdivision.

Number of Lots or Rental Spaces 6 Total Acreage in Subdivision 159.628 ac  
Total Acreage in Lots 150.352 acres Minimum Size of Lots or Spaces 21.017 ac (g)  
Total Acreage in Streets or Roads 9.276 ac Maximum Size of Lots or Spaces 35.902 ac (g)  
Total Acreage in Parks, Open Spaces and/or Common Areas n/a.

**PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:**

Single Family X (6 Lots) \_\_\_\_\_ Townhouse \_\_\_\_\_ Mobile Home Park \_\_\_\_\_  
Duplex \_\_\_\_\_ Apartment \_\_\_\_\_ Recreational Vehicle Park \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Planned Unit Development \_\_\_\_\_  
Condominium \_\_\_\_\_ Multi-Family \_\_\_\_\_ Other \_\_\_\_\_

**APPLICABLE ZONING DESIGNATION & DISTRICT:** The property is zoned R-1.

**IS SUBJECT PROPERTY LOCATED WITHIN 3-MILE BUFFER OF KALISPELL, WHITEFISH, OR COLUMBIA FALLS?** No

**ESTIMATE OF MARKET VALUE BEFORE IMPROVEMENTS:** 4,000 per acre

**IMPROVEMENTS TO BE PROVIDED:**

**Roads:** X Gravel X Paved \_\_\_\_\_ Curb \_\_\_\_\_ Gutter \_\_\_\_\_ Sidewalks \_\_\_\_\_ Alleys \_\_\_\_\_ Other \_\_\_\_\_

\* **Water System:** X Individual \_\_\_\_\_ Shared \_\_\_\_\_ Multiple User \_\_\_\_\_ Public \_\_\_\_\_

\* **Sewer System:** X Individual \_\_\_\_\_ Shared \_\_\_\_\_ Multiple User \_\_\_\_\_ Public \_\_\_\_\_

**Other Utilities:** \_\_\_\_\_ Cable TV X Telephone X Electric \_\_\_\_\_ Gas \_\_\_\_\_ Other \_\_\_\_\_

**Solid Waste:** \_\_\_\_\_ Home Pick Up \_\_\_\_\_ Central Storage X Contract Hauler X Owner Haul

**Mail Delivery:** X P.O. Box \_\_\_\_\_ Individual \_\_\_\_\_ School District: Kila/Flathead

**Fire Protection:** \_\_\_\_\_ Hydrants \_\_\_\_\_ Tanker Recharge \_\_\_\_\_ Fire District: Will request annexation to Smith Valley

**Drainage System:** On-site

\* **Individual** (one user)

**Shared** (two user)

**Multiple user** (3-9 connections or less the 25 people served at least 60 days of the year)

**Public** (more than 10 connections or 25 or more people served at least 60 days of the year)

**PROPOSED EROSION/SEDIMENTATION CONTROL:** As needed

**VARIANCES: ARE ANY VARIANCES REQUESTED?** Yes (yes/no)

(If yes, please complete the information on page 3)

**SECTION/REGULATION OF REGULATIONS CREATING HARDSHIP:** 4.7.17.f.i. (off-site road improvements)

**EXPLAIN THE HARDSHIP THAT WOULD BE CREATED WITH STRICT COMPLIANCE OF REGULATIONS:** The 'standard improvement formula' referenced in the Flathead County Subdivision regulations works out as follows:

$$P/(P+E) \times (100) = I$$

P is projected trips

E is existing trips

I is the percent of road to be improved

- Between July 21, 2020 and July 27, 2020 Abelin Traffic Services conducted traffic counts on Wild Bill Road at the subdivision property. The traffic counts worked out to 81 vehicle trips per week day and 112 vehicle trips per weekend. The Average trip per day is 90.

**Paving required for Wintercrest Drivee**

From the end of pavement at the intersection of Wild Bill Road/Truman Creek Road to the Driveway into the last lot of the proposed subdivision is 5800 feet.

$$60/(60+90) \times 100 = 40\% \text{ of Wild Bill Road.}$$

$$40\% \times 5800 \text{ feet} = 2320 \text{ lineal feet (0.44 miles) of paving for six lots}$$

This "standard improvement formula" is essentially an impact fee and the State Law (§7-6-1602 (2)(j)) says the following: Establish the amount of the impact fee that will be imposed for each unit of increased service demand." Impact fees and exactions are required to be fair and proportionate. In this case Wild Bill Road provides access to rural residential parcels, corporate timber lands, Federal timber lands, USFS recreation sites, and State timber lands and non of these parcels/users are contributing to the paving of Wild Bill Road. The result is that this small subdivision will be required to pave almost half a mile of public road.

An engineer's estimate of \$3.00 a square foot which includes excavating four inches of road base, adding six inches of crushed to the road, and paving a three inch lift for the 2320-feet comes to \$153,120.00. This requirement adds approximately \$25,520.00 per lot.

The cost of this required condition is not proportionate compared to impact of six lots. As no other lots in the neighborhood have ever had to pave, the rule does not appear to be fair. There is a significant Off-Highway on USFS Lands to the south of the project and these users do not participate in paving or maintenance costs of Wild Bill Road.

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**PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:**\_\_

The applicant proposes an alternative to the "Standard Improvement Formula" for the project. The applicant proposed paving 600-feet of Wild Bill Lane which is 100-feet per lot. Six Hundred



feet is a significant amount of pavement for a six lot subdivision with an average lot size of 26.5 acres per lot.

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:**

1. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The requirement for off-site improvements was conceived as a way to reduce air born dust generated by the County's gravel roads. While this is a good policy in general, for small subdivisions such as this where the applicants are large lots a significant distance from the nearest pavement, the formula places a greater proportion of impact and cost on the small subdivision than it would if the applicant where creating ten or twenty lots. So the reality is that this is not an evenly proportional regulation.

If the County accepts the alternative 100 feet of pavement per lot, the County will still have a significant amount of road paved in rural setting and the per lot fee appears more reasonable.

2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed.

The hardship is not based on physical characteristics of the property. The hardship is based on the applicants creating a small six lot subdivision on 159 acres and that this property is over a mile from nearest paved road. In this instance the cost of the requirement works out \$25,520.00 per lot. Exactions such as paving of off-site roads should be based on a cost per unit like impact fees. These same lots a half mile closer to the end of pavement would only pay half as much for off-site improvements and the impact is the same.

3. The variance will not cause a substantial increase in public costs, now or in the future. Wild Bill Road is a County Road but it is not on the maintenance schedule for the County. The private land owners up the road perform maintenance such as snow plowing on the road. The applicant will work with the neighboring properties on a formal road maintenance agreement for the County Road

4. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations.

The variance will not place this property in non-conformance with the growth policy as it is not a regulatory document. The property is not zoned but the density of one unit per 26.5 acres fits the rural character of this area.

5. The variance is consistent with the surrounding community character of the area.

In the rural parts of Flathead County it is unusual to see paved roads. The "rural" character is for gravel roads. However to address air quality the County has established a rule. We believe that air quality is important and that is way the applicant is offering an alternative that is more fair and equitable.

**APPLICATION CONTENTS:**

1. Completed Preliminary Plat application (*If submitting bound copies of the application materials, please also include one **unbound** copy for replication purposes*).
2. 14 folded copies of the preliminary plat. (*Either 18" X 24" or 24" X 36" per Appendix B- Flathead County Subdivision Regulations*).
3. One reproducible set of supplemental information (*See Appendix B -Flathead County Subdivision Regulations*).
4. One reduced copy of the preliminary plat not to exceed 11" x 17" in size.
5. Application fee.
6. A **Certified** Adjoining Property Owners List must be submitted with the application (*see attached form*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

*This application shall be submitted, along with all information required by the applicable Subdivision Regulations and the Montana Subdivision and Platting Act, and the appropriate fee to:*

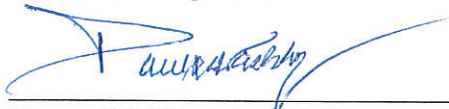
**Flathead County Planning & Zoning Office 1035 First Avenue West  
Kalispell, Montana 59901 - Phone: (406) 751-8200 Fax: (406) 751-8210**

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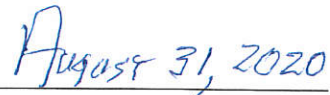
*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning and Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*



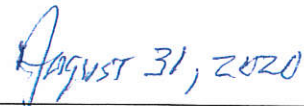
Applicant Signature



Owner(s) Signature (*all owners must sign*)



Date



Date

Owner(s) Signature (*all owners must sign*)

Date